

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division**

MICHAEL WORSHAM,

Plaintiff,

v.

Civil Action No. _____

**ACCOUNTS RECEIVABLE
MANAGEMENT, INC.,**

Defendant.

NOTICE OF REMOVAL

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND, BALTIMORE DIVISION**

Pursuant to 28 U.S.C. §§ 1441(a) and 1446(b), Defendant Accounts Receivable Management, Inc. ("ARM"), by counsel, hereby removes this action from the Circuit Court for Harford County, Maryland, to the United States District Court for the District of Maryland, Baltimore Division, and in support thereof states as follows:

STATEMENT OF GROUNDS FOR REMOVAL

I. Parties

1. ARM is a corporation organized and existing under the laws of New Jersey with its principal place of business located at 155 Mid Atlantic Parkway, Thorofare, New Jersey 08086.

2. Plaintiff Michael Worsham is a resident of Maryland.

II. Federal Jurisdiction

3. Jurisdiction is vested in the Court pursuant to 28 U.S.C. § 1331.

III. Facts

4. On or about August 24, 2010, Plaintiff Michael Worsham (“Plaintiff”) filed a Complaint (hereinafter “Complaint”) against Defendant ARM in a civil action in the Circuit Court for Harford County, Maryland, entitled “*Michael Worsham v. Accounts Receivable Management, Inc.*” Case No. 12-C-10-1992. A copy of the Complaint filed in state court is attached hereto as **Exhibit A**.

5. Plaintiff’s claims arise out of telephone calls Defendant allegedly made to Plaintiff in an effort to collect a debt. In his Complaint, Plaintiff asserts claims, among others, purporting to arise under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692 and the federal Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. §227. (See **Ex. A** ¶¶ 1, 36 – 42).

6. In Counts I, II, III, and IV of Plaintiff’s Complaint, Plaintiff alleges that Defendant violated the FDCPA, specifically 15 U.S.C. §§ 1692b(3), 1692c(b), 1692d(6), 1692e, & 1692e(10), by calling Plaintiff in an attempt to collect another person’s debt without providing adequate disclosures. (**Ex. A** ¶¶ 36 – 39). In Counts V, VI, and VII, Plaintiff claims that Defendant violated the TCPA, specifically 47 C.F.R. §§ 64.1200(b)(1), (b)(2) & 47 U.S.C. § 227(b)(3), by failing to include requisite information in its prerecorded telephone messages. (**Ex. A** ¶¶ 40 – 42).

7. Plaintiff seeks a variety of relief, including actual damages for each separate violation of the FDCPA, statutory damages of \$1,000 for each violation of the FDCPA, costs and reasonable attorney’s fees pursuant to 15 U.S.C. § 1692k(a)(3), \$1,500 statutory damages for each willful or knowing violation of the TCPA or \$15,000 total in statutory

damages for alleged violations of the TCPA, \$500 statutory damages for each violation of the Maryland TCPA, and actual and punitive damages under Maryland common law.

8. Defendant ARM denies the allegations set forth in the Complaint, denies that Plaintiff has stated a claim for which relief may be granted, and denies that Plaintiff has been damaged in any manner. Nevertheless, assuming, for jurisdictional purposes only, that Plaintiff's claims are valid, he could have originally filed his Complaint in this Court under federal question.

9. Thus, removal is proper pursuant to 28 U.S.C. § 1441(a) because the controversy between Plaintiff and Defendant ARM involves federal questions, purporting to arise under the Fair Debt Collection Practices Act ("FDCPA") 15 U.S.C. §1692 *et seq.*, and the Telephone Consumer Protection Act ("TCPA") 47 C.F.R. § 64.1200 *et seq.* and 47 U.S.C. §227, over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

10. In his Complaint, Plaintiff also asserts claims purporting to arise under the common law and statutory law of the State of Maryland, including allegations under the Maryland TCPA. (**Ex. A** ¶¶ 43 – 49). These claims are so related to Plaintiff's federal claims that are within the original jurisdiction of this Court. Accordingly, the Court has supplemental jurisdiction over these claims pursuant to 28 U.S.C. § 1367(a).

11. ARM received a copy of the Complaint on October 6, 2010 by regular U.S. mail. Accordingly this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

IV. Venue

12. Venue is proper in the District of Maryland, Baltimore Division pursuant to 28 U.S.C. § 1441, because this district and division encompass the Circuit Court for Harford County, Maryland, the forum from which the case has been removed.

V. Notice

13. Pursuant to 28 U.S.C. § 1446(d), a Notice of Filing of Notice of Removal is being filed contemporaneously with the Clerk of the Circuit Court of Harford County, Maryland, which includes a copy of ARM's Notice of Removal, a copy of which is attached hereto as **Exhibit B**.

WHEREFORE, Defendant Accounts Receivable Management, Inc. hereby removes this action to this Court.

Dated: October 27, 2010

Respectfully Submitted,

**ACCOUNTS RECEIVABLE
MANAGEMENT, INC.**

By: _____
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October, 2010, a true and correct copy of the foregoing Notice of Removal was sent via Federal Express to the following counsel of record:

Pro Se Plaintiff

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